

10/728,597

REMARKS

Claims 21, 22, 25 and 26 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Brigida et al. '051. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Brigida et al. '051 relates to a paperless parcel tracking system having a stylus 202. In its relevant part, the Examiner contends that the stylus 202 of Brigida et al. '051 is equivalent to the image input device of the current application (page 3, line 3 of the Official Action). The Examiner also contends that image input device—the stylus as noted above—is held by a direction changing device which enables the stylus to change directions in comparison to the direction of the body and cites column 5, lines 62-67; column 7, lines 15-28; column 8, line 57 through column 9, line 22 (page 3, lines 8-10 of the Official Action) in support thereof. This citation list discusses not the stylus or image input device as previously asserted by the Examiner, but a bar code scanner.

The stylus 202 is basically an electronic pen which is used to “draw on the display” of the parcel tracking system, or more precisely, to collect signatures. The stylus is able to transmit and receive data which enables the display to alternate between a stylus input mode and a finger touch input mode. When it is determined that the stylus is in close proximity to the display, the finger touch input mode is turned off and the stylus is used exclusively to input data. When in the stylus input mode, the stylus is used to “write” on the display. The Applicant asserts that the stylus of Brigida et al. '051 and the image input device of the current invention are distinctly different from one another as discussed below in further detail.

Next, the Examiner cites column 5, lines 62-67 in contending that the stylus is held by a direction changing device which enables the stylus to change directions in comparison to the direction of the body. However, this particular portion of the applied citation discusses a bar code scanner window 204 on the front end of the parcel tracking system 100. The user is able to aim the bar code scanner 106 at a bar code 120 in a convenient manner. However, the bar code scanner 106 is manually aimed by the user, not by a direction changing device as currently recited.

The Examiner then cites column 7, lines 15-28 which discusses that the “finger touch input” is turned off when the stylus comes into close proximity with the parcel tracking system.

11/7/05 -12:07 PM

10/728,597

Finally the last citation of column 8, line 57 through column 9, line 22, discusses the manner in which signals between the stylus and the tracking system are processed to determine and track where the stylus contacts the display, thus collecting a signature. It is respectfully submitted that the teaching of the Brigida et al. '051 citation are vastly different from the currently claimed application.

First, as briefly mentioned above, there is some confusion concerning what aspect of Brigida '051 the Examiner considers the image input device. The citation of column 5, lines 62-67 is concerned with a bar code scanner. However, the Examiner expressly identifies element 202, the stylus, in Fig. 10 as the image input device. Regardless of which element the Examiner intended, neither the bar code scanner nor the stylus are able to change directions in comparison with the direction of the body in the manner, as presently recited in the pending claims. Both the bar code scanner and the stylus are manually manipulated by the user as the user holds them in his or her hand.

The Applicant contends that neither the bar code scanner nor the stylus of Brigida et al. '051 is an image input device held by a direction changing device which enables the *image* input device to change directions in comparison with the direction of the body, as presently claimed.

In rejecting claim 22, the Examiner states that the stylus 202 is a camera because it can record, transmit and receive image data. The portion of the applied reference referred to by the Examiner, namely, column 6, line 55 to column 7, line 14, relates to a stylus 202 with an "antenna 806 responding to information on the touch overlay assembly 704 of the touch panel display 108". Column 8, line 57 through column 9, line 22 (previously cited by the Examiner) further teaches how the stylus 202 interacts with the transparent overlay 704 (incorrectly listed as "702" in column 8, lines 46-59, "702" should refer to the ring antenna assembly, see column 7, line 56) to determine the position of the stylus relative to the transparent overlay 704. Signals sent on the ITO lines in the transparent overlay induce a charge on a sensitive element on the stylus tip. The level of the induced charge is proportional to the distance from the active line in the overlay.

Claim 22 explicitly recites a camera, as an input device, functioning to input image data. As taught by Brigida et al. '051, the Applicant contends that the stylus 202 does not record,

11/7/05 4:20 PM

10/728,597

transmit and receive *image* data, as alleged by the Examiner. Instead, the stylus 202 interprets electronic signals in an attempt to determine the location of the tip of the stylus relative to the transparent overlay 704. The Applicant respectfully requests the Examiner to explicitly indicate or point out the specific teachings in Brigida et al. '051 which teach that the stylus 202 is suitable for recording, transmitting and receiving *image* data. As it is respectfully submitted that falls to contain such teaching, suggestion or disclosure, required by case law, the Application respectfully request that the Examiner withdraw the raised rejection equating the stylus 202 to a camera.

Claims 23 and 24 are then rejected, under 35 U.S.C. § 103(a), as being unpatentable over Brigida et al. '051 as applied to claim 21 and further in view of Carver et al. '844. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Examiner states that Brigida et al. '051 fails to teach a location detection device but alleges that Carver et al. '844 teaches an electronic digital position and navigational plotter. The reason the Examiner provides for combining Brigida et al. '051 with Carver et al. '844 is that she believes both references "teach a portable communicator with a stylus for inputting, recording, transmitting and receiving image data".

In response to this rejection, the Applicant notes that Carver et al. '844 relates to a system that uses a position detector of the stylus 3. In column 4, lines 29-36, this reference states that "[t]he stylus location is determined by the stylus sampling the strength of the current on any portion of the tablet and outputting this to the digitizing electronics 42 represented in Fig. 7, which then converts these voltage levels to X/Y location data using known conversion formulas to translate from voltage level to numeric X/Y values". This is similar to teachings in the Brigida et al. '051 reference. That is, the stylus 3 of Carver et al. '844 does not record, transmit or receive *image* data, only electronic signals enabling the digitizing electronics 42 to determine the position of the stylus 3.

As a result, Carver et al. '844 does not correct, overcome or eliminate the noted deficiencies in the base reference of Brigida et al. '051. In addition, Carver et al. '844 does not teach, suggest or disclose a direction changing device holding the stylus 3. As with Brigida et al. '051, the only thing holding the stylus 3 is the operator.

11/07/05 -12:07 PM

10/728,597

In view of the forgoing, the Applicant respectfully submits that the Examiner failed to meet her burden in establishing a *prima facie* case of obviousness in rejecting the pending claims under 35 U.S.C. § 103. Specifically, as required MPEP § 2143.02, all claim limitations must be taught or suggested in the cited references. Since at least there is a lack of a direction changing device holding the image input device and enabling the image input device to change directions in comparison with the direction of the body, a *prima facie* case of obviousness is not met and both of the raised 35 U.S.C. § 103 rejections should be reconsidered and withdrawn at this time. It is respectfully submitted that all of the presently pending claims are now in a condition for allowance.

The above noted distinctions, between the presently claimed invention and the applied art, are recited in independent claim 21 of this application, namely, "[a] portable communicator comprising: a wireless communication device. . . a portable computer device. . . an image input device to input an image. . . wherein a body of the portable communicator equipped with. . . a direction changing device which holds the image input device and enables the image input device to change directions in comparison with the direction of the body", also new independent claim 27 of this application recites the features of "[a] portable communicator comprising. . . an image input device to capture a photographic image. . . a body of the portable communicator equipped. . . a display unit for showing a menu screen to command to capture a photographic image using the image input device, and a direction changing device which maintains the image input device and directs movement of the image input device in relation with to the body." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Brigida et al. '051 and/or Carver et al. '844 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which

11/7/05 - 12:07 PM


10/728,597

contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time. The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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